

## REMARKS

### **I. Overview and Formalities**

Claims 1-38 were pending in this application prior to this Amendment, of which Claims 1 and 20 are independent. Applicants hereby present amendments to Claims 3, 5, 22, 24, and 35 without prejudice or disclaimer, to further clarify that which is being claimed. Claims 39-42 are newly presented herein. Accordingly, Claims 1-42 are now pending. Reconsideration and allowance of all claims are hereby respectfully requested.

### **II. Rejections Under 35 USC §112 (Second Paragraph)**

The Office Action rejected Claim 24 as lacking proper antecedent basis for “activating the application link.” Office Action at ¶1. Claim 24 has been amended to recite “the link” rather than “the application link.” Also, Claim 24 has been amended to depend from Claim 21 instead of Claim 20. Claim 21 recites “a link.” Therefore, Claim 24 is consistent with the requirements of 35 USC §112 (second paragraph), and the rejection should now be withdrawn.

### **III. Rejections Under 35 USC §103**

Claims 1-38 were “rejected under 35 USC §103(a) as being unpatentable [over] Li et al. [USPN 6,119,165] in view of Dale et al. [USPN 6,272,673].” Applicants respectfully traverse this rejection.

#### **A. The Li Patent**

The Office Action states at ¶2 that Li teaches:

a method for serving applications over a computer network from an application server system to a target computer, the method comprising: the target computer signaling the server system with a request for an application (col 3, line 51-55); **the server system responding to the request by transferring an application descriptor (i.e. modified HTML page) to the target computer** (col 4, line 1-6). Emphasis added.

Applicants respectfully disagree and assert that the Examiner has mischaracterized the reference. Li is directed to a method for downloading software from a server to a client computer using a proxy “agent,” which is on the network, but not on the client. Li, C1:L28-43. Li teaches application programs to be downloaded and executed on the client

computer, and not transferring application descriptors to a target computer, stating for example:

The proxy server 14 thereby answers the HTTP request with a modified HTML (hyper-text mark up language) page (for instance a web page) which instructs the client 18 to load the application program 20 from the proxy server 14 in step 54. Thus after the delivered **application program 20 is loaded by the client 18**, i.e. is **resident on the client platform**, this **application program 20 automatically started [sic] by the client 18**. (Emphasis added.) Li, C4:L1-9.

The preceding passage from Li was cited in part by the Examiner; however, contrary to the Examiner's assertion, *supra*, and contrary to what is claimed by Applicants, Li does not teach or suggest receiving an application descriptor at the client computer, but rather loads the actual application program itself for execution on the client. Applicants have discussed and distinguished this model in their application, e.g. at P1:L11-13, “[t]he ubiquitous client-server platform typically requires that the application program code be loaded and installed on the client computers.”

### B. The Dale Patent

The Office Action states at ¶2 that Dale provides:

the application descriptor being read by a helper application executing on the target computer (col 10, line 24-29); and **the helper application controlling the target computer to execute the application, which resides on the server system** (Dale, col 10, line 35-37). (Emphasis added.)

Applicants respectfully disagree. Dale is directed to a software development tool that is “tier-neutral,” or amenable to the interconnection of multiple software components disposed across a network. Dale does not teach or suggest a helper application that controls a target computer to execute an application which resides on a server system. By contrast, the software components of Dale are distributed throughout the network infrastructure and do not reside in one place (the server).

### C. The Combination of Li and Dale is Improper

First, no motivation to combine Li and Dale exists in the references. The fact that they are both generally directed to the field of computer software in networked environments does not provide sufficient motivation to combine the references in the way

suggested by the Examiner. Therefore, no *prima facie* case of obviousness has been made to support the claim rejection.

Second, it is improper to combine Li and Dale from a technological standpoint. At best, modifying Li according to Dale might result in a system where aggregated software components are linked and downloaded to a client as an application program for execution on the client. Li and Dale are thus not technically complementary technologies.

Therefore, Dale does not provide Li with what Li lacks respecting Applicants' claims.

#### **D. Even if Combined, Li and Dale Do Not Anticipate Applicant's Claims**

Even if Li and Dale were modified and combined as suggested in the Office Action, the result would not provide the claimed "target computer signaling the server system with a request for an application; the server system responding to the request by transferring an application descriptor to the target computer; the application descriptor being read by a helper application executing on the target computer; and the helper application controlling the target computer to execute the application, which resides on the server system." Claim 1. Also, the suggested combination would not provide a "target computer that requests an application; a server system that responds to the request by transferring an application descriptor to the target computer; a helper process executing on the target computer that reads the application descriptor and controls the target computer to execute the application, which resides on the application server system." Claim 20.

Therefore, Applicants' Claims 1 and 20 distinguish over Li and Dale, whether taken separately or in combination. Applicants respectfully request that the prior art rejection of the claims be withdrawn and the claims be allowed.

#### **E. The Rogers Patent**

The Office Action applies Rogers (USPN 6,405,111) in combination with Li and Dale to reject Applicants' Claims 16 and 35. Applicants respectfully traverse this rejection.

First, Claims 16 and 35 are patentable over the prior art because they respectively depend from Claims 1 and 20, heretofore shown to patentably distinguish over the cited art as discussed above. Second, the passage of Rogers cited in the Office Action is merely

directed to CGI scripts for counting the number of “hits” in a Web page inquiry situation. There is no suggestion or disclosure therein regarding the claimed “failure server of the application server system receiving [to receive] error log information from the helper application in response to improper operation of the application on the target computer.” Claim 16 [35]. Therefore, the rejection is improper and should be withdrawn, and the claims should be allowed.

In addition to the remarks presented above in Sections II. A-D regarding Claims 1 and 20, the cited references lack the claimed link of Claims 2 et seq. and 21 et seq.; the encrypted application descriptor of Claim 6; the helper application graphical user interface of Claim 9; the transaction mode information of Claim 12; the advertisements of Claim 14; and other limitations of the dependent claims. Accordingly, Applicants respectfully request allowance of all dependent claims (2-19 and 21-38) for at least the same reasons as given above with respect to Claims 1 and 20.

#### **IV. Regarding the New Claims**

Regarding new independent Claim 39, the claim recites “[a] method for serving applications from an application server to a target computer over a computer network, the method comprising: at the application server, receiving an application request signal from the target computer; responsive to the request signal, sending an application descriptor to the target computer; receiving a run command to launch the application; running the application on the application server; and serving an application window to the target computer.” Since the cited references do not teach or suggest the claimed **sending an application descriptor, receiving a run command, or serving an application window to the target computer**, the claim patentably distinguishes over the references. Accordingly, Applicants respectfully request that new Claim 39 be allowed. Claims 40-42 depend from Claim 39 and should be allowed for at least the same reason as Claim 39.

#### **V. Conclusion**

Applicants hereby request that the period for responding to the outstanding Office Action mailed January 29, 2003 be extended for three months’ time. The Commissioner is

hereby authorized to charge the required fee of \$465.00 for this request for extension of time to our Deposit Account No. 08-0219.

No other fees are believed to be due; however, please charge any fees that may be due or credit any overpayment in connection with this paper to Deposit Account No. 08-0219.

Respectfully submitted,

HALE AND DORR LLP

7/29/2003

Date

Ibrahim M. Hallaj

Ibrahim M. Hallaj

Reg. No. 51,768

Patent Agent

Tel: (617) 526-5053

Fax: (617) 526-5000